

WATER POLICY INTERIM COMMITTEE MEETING Jan. 19, 2009
SEPTEMBER 11, 2008**EQC/WATER POLICY JOINT SUBCOMMITTEE REPORT****Report of Subcommittee Activities - Chairman Elliott**

00:41:59 Chairman Elliott reported he appeared before the Environmental Quality Council (EQC) and made the case for creating a separate WPIC based on (1) the future education of legislators about water policy; (2) the importance of water in our economy and society; and (3) whether a subcommittee of the EQC would have time to address water policy. Chairman Elliott stated the EQC is recommending moving two bill drafts forward.

EQC Bill Drafts - Sen. Wanzenried

00:43:58 Sen. Wanzenried thanked Chairman Elliott, Sen. Perry and Rep. McNutt for participating in the Joint Subcommittee. Sen. Wanzenried stated no one questions the importance of water and the question is how to advance the water policy framework.

00:45:32 Mr. Kolman addressed LC 7001, which would create a subcommittee of the EQC (EXHIBIT 2). Mr. Kolman explained LC 7001 would require in statute that the EQC create a water policy subcommittee. The EQC already has water policy duties including reviewing the State Water Plan, oversight of the water adjudication process, and examining Fish, Wildlife, and Parks (FWP) water leasing. The EQC would now be required to take on any interim studies regarding water policy. Mr. Kolman further explained LC 7001 would also require the subcommittee to have 12 members: four members who are legislators (two from each party), two EQC public members, and six at-large members to be determined by the EQC. Additionally, LC 7001 would lift the current term-limits for EQC members.

Committee Discussion and Decision, if any

00:49:41 Rep. Cohenour reiterated the amount of information the WPIC heard and discussed and believed the WPIC should maintain its autonomy from the EQC. Rep. Cohenour suggested the current WPIC had only scratched the surface of water issues.

00:51:25 Mr. Kolman addressed LC 5016 and explained the proposal would provide for a separate WPIC, and the EQC would retain its agency oversight (EXHIBIT 3). The proposal also contains a provision that clarifies the WPIC shall coordinate with the EQC and other interim committees to avoid duplication of efforts. Mr. Kolman explained LC 5016 requires that disputes regarding duties would be decided by the Legislative Council (EXHIBIT 3).

00:54:12 Rep. Cohenour asked whether LC 7001 would expand the EQC. Mr. Kolman

responded the EQC's membership would not be expanded.

- 00:55:02 Rep. Boggio inquired whether there was much duplication of efforts between the current WPIC and the current EQC. Mr. Kolman replied the EQC had one assigned study on conservation easements and another study on climate change and did not delve into water issues. The EQC heard information regarding water adjudication and gravel pits.
- 00:56:18 Rep. McNutt identified the issue as difficult since the EQC deals with agencies that address many issues other than water. Rep. McNutt chaired the last "water policy" subcommittee of EQC and believed the current WPIC served a worthwhile opportunity. Rep. McNutt believed taking everything to the full EQC for approval would be a duplication of efforts. Rep. McNutt believed there was a need to be listening, watching, and working on water issues ahead of time. Rep. McNutt saw a need to get more people involved and provide education for legislators. Rep. McNutt did not want to cause a turf battle between two interim committees and wanted to come up with the best solution. Rep. McNutt stated he would support moving both bills forward. Rep. McNutt's preference was for creating a standing interim committee and agreed there would be a need to sort out the administrative jurisdiction issues. Rep. McNutt recalled how people appreciated having the ability to address legislators.
- 01:01:59 Rep. McChesney agreed the water issue is huge and believed moving both bills forward would allow an opportunity to gain insight in deciding which way to go. Rep. McChesney emphasized the impacts of water availability and water quality on everyone in Montana. Rep. McChesney believed the current WPIC had taken positive steps in the right direction. Rep. McChesney did not believe water was an issue another committee with other issues before it could address properly.
- 01:04:39 Rep. Boggio asked whether both bills would continue on regardless of any action by the WPIC. Chairman Elliott agreed and recommended forwarding both bills and that the bills be introduced jointly by the WPIC and the EQC.
- 01:05:33 Sen. Wanzenried commented he hoped there would be robust conversations on the proposals as the bills move forward.
- 01:06:23 Chairman Elliott stated he would like to have a joint committee meeting since Rep. McNutt and McChesney's comments were not heard by the EQC.
- 01:07:06 Sen. Wanzenried stated he would direct the EQC members to listen.
- 01:07:22 Rep. Cohenour thought sending both bills out of the WPIC may be confusing and believed the WPIC should make a statement that the WPIC should be a separate interim committee. Rep. Cohenour moved forwarding LC 5016.
- 01:08:20 Chairman Elliott agreed there should be an independent committee, but acknowledged the proposed committee would be taking turf from the EQC and stated he does not want to see a battle on the floor of the House or Senate.

01:09:36 Rep. Cohenour's motion failed 4-4 by roll call vote

01:10:42 Rep. McNutt moved the WPIC forward LC 5016 and LC 7001.

01:11:04 Sen. Jent stated he was leaning toward having an independent water policy committee, but expressed his desire to engage in a robust discussion.

01:11:37 Rep. Cohenour did not believe there were any turf questions during the interim, and that the question was which committee could devote the appropriate amount of time to water policy issues.

01:12:44 Chairman Elliott suggested both committees each forwarding both bills would emphasize the members of both committees believe a full debate should occur.

01:13:34 Rep. McNutt's motion failed (without a three-quarter vote) 5-3 by voice vote with Rep. Boggio, Sen. Perry, and Sen. Murphy voting no. Sen. Perry voted by proxy.

01:14:39 Sen. Jent moved to reconsider Rep. Cohenour's motion to move LC 5016 forward. The motion carried unanimously by voice vote. Sen. Cohenour's motion to advance LC 5016 carried 6-1 by voice vote with Chairman Elliott voting no and Sen. Perry voting by proxy.